

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -	X	
	:	
UNITED STATES OF AMERICA	:	<u>SUPERSEDING INFORMATION</u>
	:	
- v. -	:	S2 12 Cr. 423 (RMB)
	:	
MINH QUANG PHAM,	:	
a/k/a "Amin,"	:	
	:	
Defendant.	:	
	:	
- - - - -	X	

COUNT ONE
(Conspiracy to Provide Material Support
to a Foreign Terrorist Organization)

The United States Attorney charges:

1. From at least in or about December 2010, up to and including in or about December 2011, in Yemen, the United Kingdom, and elsewhere, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who was first brought to and arrested in the Southern District of New York, and others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b)(1), to a foreign terrorist organization, namely, al Qa'ida in the Arabian Peninsula ("AQAP"), which at all relevant times has been designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the Immigration and Nationality Act ("INA"), and is

currently designated as such as of the date of the filing of this Information.

2. It was a part and an object of the conspiracy that MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, would and did provide AQAP with material support and resources, to wit, services and personnel (including himself), knowing that AQAP was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that AQAP engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that AQAP engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339B.

Overt Acts

3. In furtherance of the conspiracy and to effect the illegal object thereof, MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, committed the overt acts set forth below, among others:

a. In or about December 2010, PHAM traveled from the United Kingdom to Yemen.

b. In or about March and April 2011, PHAM possessed and carried a Kalashnikov rifle.

c. In or about April 2011, PHAM worked with a United States citizen ("American CC-1") to create online propaganda for AQAP.

d. In or about April 2011, PHAM met with a United States citizen ("American CC-2") in Yemen.

e. In or about 2011, PHAM received instructions from American CC-2 to conduct a suicide bombing at Heathrow International Airport, including instructions to specifically target, among others, U.S. nationals on arriving flights.

f. In or about 2011, PHAM constructed and detonated an explosive device as a test of the design of the explosive device to be used during PHAM's planned suicide attack.

g. In or about July 2011, PHAM traveled to the United Kingdom in order to carry out the attack.

(Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E), and (F), and 3238.)

COUNT TWO

(Providing Material Support to a Foreign Terrorist Organization)

The United States Attorney further charges:

4. From at least in or about December 2010, up to and including in or about December 2011, in Yemen, the United Kingdom, and elsewhere, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who was first brought to and arrested in the Southern District of New York,

knowingly provided and attempted to provide material support or resources, as that term is defined in Title 18, United States Code, Section 2339A(b)(1), to wit, services and personnel (including himself), to a foreign terrorist organization, to wit, AQAP, which at all relevant times has been designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the INA, and is currently designated as such as of the date of the filing of this Information, knowing that AQAP was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that AQAP engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that AQAP engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989).

(Title 18, United States Code, Sections 2339B(a)(1), (d)(1)(C), (E), and (F), 3238, and 2.)

COUNT THREE
**(Conspiracy to Receive Military-Type Training
 from a Foreign Terrorist Organization)**

The United States Attorney further charges:

5. From at least in or about December 2010, up to and including in or about July 2011, in Yemen, the United Kingdom, and elsewhere, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who was first brought to and arrested in the Southern District of New York, and

others known and unknown, knowingly did combine, conspire, confederate, and agree together and with each other to receive military-type training from and on behalf of AQAP, which at all relevant times has been designated by the Secretary of State as a foreign terrorist organization pursuant to Section 219 of the INA, and is currently designated as such as of the date of the filing of this Information.

6. It was a part and an object of the conspiracy that MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, would and did receive military-type training from and on behalf of AQAP, knowing that AQAP was a designated terrorist organization (as defined in Title 18, United States Code, Section 2339D(c)(4)), that AQAP engages and has engaged in terrorist activity (as defined in section 212(a)(3)(B) of the INA), and that AQAP engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), in violation of Title 18, United States Code, Section 2339D.

Overt Acts

7. In furtherance of the conspiracy and to effect the illegal object thereof, MINH QUANG PHAM, a/k/a "Amin," the defendant, and others known and unknown, committed, among others,

the overt acts described in Paragraph Three of this Information, which are incorporated by reference herein.

(Title 18, United States Code, Sections 371, 2339D(a), (b)(3), (b)(5) and (b)(6), and 3238.)

COUNT FOUR

(Provision of Material Support for Acts of Terrorism)

The United States Attorney further charges:

8. From at least in or about December 2010, up to and including in or about December 2011, in Yemen, the United Kingdom, and elsewhere, in an offense begun and committed outside of the jurisdiction of any particular State or district of the United States, MINH QUANG PHAM, a/k/a "Amin," the defendant, who was first brought to and arrested in the Southern District of New York, knowingly provided and attempted to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, weapons, explosives, and personnel (including himself), knowing and intending that they were to be used in preparation for, and in carrying out, one or more of the following violations of Title 18, United States Code: (a) using a weapon of mass destruction, namely, a destructive device, as defined in Title 18, United States Code, Section 921, against nationals of the United States while such nationals were outside the United States, in violation of Title 18, United States Code, Section 2332a; and (b) bombing a place of public use and a public transportation system, with the intent to

cause death and serious bodily injury, and with the intent to cause extensive destruction of such a place and system, and where such destruction was likely to result in major economic loss, in violation of Title 18, United States Code, Section 2332f.

(Title 18, United States Code, Sections 2339A, 3238, and 2.)

FORFEITURE ALLEGATIONS

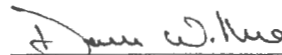
9. As a result of planning and perpetrating Federal crimes of terrorism against the United States, as alleged in Counts One, Two, and Four of this Information, MINH QUANG PHAM, a/k/a "Amin," the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461:

- a. all right, title, and interest in all assets, foreign and domestic;
- b. all right, title, and interest in all assets, foreign and domestic, affording a source of influence over AQAP;
- c. all right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and

d. all right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property;

including, but not limited to, a sum of money representing the value of the property described above as being subject to forfeiture.

(Title 18, United States Code, Sections 981(a)(1)(G) and 2332b(g)(5), and Title 28, United States Code, Section 2461.)



DAMIAN WILLIAMS
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MINH QUANG PHAM,
a/k/a "Amin,"

Defendant.

SUPERSEDING INFORMATION

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(18 U.S.C. §§ 371, 2339A, 2339B, 2339D, and 2.)

DAMIAN WILLIAMS
United States Attorney.
